

Senate File 2315

H-8497

Amend Senate File 2315, as amended, passed, and reprinted by the Senate, as follows:

1. Page 43, by striking lines 11 and 12 and inserting:

<BRAIN INJURY DEFINITION>

2. Page 43, by striking line 35 and inserting <assistance program.

Sec. _____. Section 225C.23, subsection 2, Code 2011, is amended to read as follows:

2. For the purposes of this section ~~and section 135.22A, "brain injury" means the occurrence of injury to the head not primarily related to a degenerative disease or aging process that is documented in a medical record with one or more of the following conditions attributed to the head injury:~~

~~a. An observed or self-reported decreased level of consciousness.~~

~~b. Amnesia.~~

~~c. A skull fracture.~~

~~d. An objective neurological or neuropsychological abnormality.~~

~~e. A diagnosed intracranial lesion same as defined in section 135.22.~~

DIVISION _____

LEGAL SETTLEMENT>

3. Page 49, line 27, by striking <225C.8> and inserting <225C.8 331.438F>

4. Page 50, line 28, by striking <225C.8> and inserting <225C.8 331.438F>

5. Page 50, line 30, by striking <225C.8> and inserting <225C.8 331.438F>

6. Page 51, line 29, by striking <225C.8> and inserting <225C.8 331.438F>

7. Page 52, line 34, by striking <225C.8> and inserting <225C.8 331.438F>

8. By striking page 56, line 25, through page 58, line 30.

9. Page 59, by striking lines 13 through 27.

10. Page 64, line 25, by striking <225C.8> and inserting <225C.8 331.438F>

11. Page 65, line 30, by striking <225C.8> and inserting <225C.8 331.438F>

12. Page 66, after line 7 by inserting:

<Sec. _____. Section 230.6, Code 2011, is amended to read as follows:

230.6 Investigation by administrator.

The administrator shall immediately investigate the ~~legal settlement~~ residency of a patient and proceed as follows:

1. If the administrator concurs with a certified

1 determination of ~~legal settlement~~ residency concerning
2 the patient, the administrator shall cause the patient
3 either to be transferred to a state hospital for
4 persons with mental illness at the expense of the
5 state, or to be transferred, with approval of the court
6 as required by chapter 229 to the place of foreign
7 ~~settlement~~ residence.

8 2. If the administrator disputes a certified legal
9 ~~settlement~~ residency determination, the administrator
10 shall order the patient to be maintained at a state
11 hospital for persons with mental illness at the expense
12 of the state until the dispute is resolved.

13 3. If the administrator disputes a ~~legal settlement~~
14 residency determination, the administrator shall
15 utilize the procedure provided in section ~~225C.8~~
16 331.438F to resolve the dispute. A determination of
17 the person's ~~legal settlement~~ residency status made
18 pursuant to section ~~225C.8~~ 331.438F is conclusive.>

19 13. Page 67, line 4, by striking <225C.8> and
20 inserting <~~225C.8~~ 331.438F>

21 14. Page 68, line 4, by striking <225C.8> and
22 inserting <~~225C.8~~ 331.438F>

23 15. Page 68, after line 16 by inserting:

24 <Sec. _____. Section 232.141, subsection 8, Code
25 2011, is amended to read as follows:

26 8. This subsection applies only to placements in
27 a juvenile shelter care home which is publicly owned,
28 operated as a county or multicounty shelter care home,
29 organized under a chapter 28E agreement, or operated by
30 a private juvenile shelter care home. If the actual
31 and allowable costs of a child's shelter care placement
32 exceed the amount the department is authorized to pay
33 in accordance with law and administrative rule, the
34 unpaid costs may be recovered from the child's county
35 of legal settlement. However, the maximum amount of
36 the unpaid costs which may be recovered under this
37 subsection is limited to the difference between the
38 amount the department is authorized to pay and the
39 statewide average of the actual and allowable rates
40 in effect in May of the preceding fiscal year for
41 reimbursement of juvenile shelter care homes. In no
42 case shall the home be reimbursed for more than the
43 home's actual and allowable costs. The unpaid costs
44 are payable pursuant to filing of verified claims
45 against the county of legal settlement. A detailed
46 statement of the facts upon which a claim is based
47 shall accompany the claim. Any dispute between
48 counties arising from filings of claims pursuant to
49 this subsection shall be settled in the manner provided
50 to determine ~~legal settlement~~ residency in section

1 ~~225C.8~~ 331.438F.>
2 16. Page 70, line 34, by striking <and 7> and
3 inserting <7, and 8>
4 17. Page 71, after line 34 by inserting:
5 <8. If a dispute arises between different counties
6 or between the department and a county as to the ~~legal~~
7 ~~settlement~~ residency of a person who receives medical
8 assistance for which the nonfederal share is payable
9 in whole or in part by a county of ~~legal settlement~~
10 residence, and cannot be resolved by the parties, the
11 dispute shall be resolved as provided in section ~~225C.8~~
12 331.438F.>
13 18. Page 72, line 16, by striking <225C.8> and
14 inserting <~~225C.8~~ 331.438F>
15 19. Page 74, after line 13 by inserting:
16 <Sec. _____. REPEAL. Section 225C.8, Code 2011, is
17 repealed.
18 Sec. _____. EFFECTIVE DATE. This division of this
19 Act takes effect July 1, 2013.>
20 20. By renumbering as necessary.

SCHULTE of Linn